



HOME BUILDERS ASSOCIATION OF CONNECTICUT, INC.  
1245 FARMINGTON AVENUE, 2<sup>nd</sup> Floor, WEST HARTFORD, CT 06107  
Tel: 860-521-1905 Fax: 860-521-3107 Web: [www.hbact.org](http://www.hbact.org)

*Your Home  
Is Our  
Business*

March 3, 2010

To: Senator Andrew McDonald and Representative Michael Lawlor, Co-Chairs, and members of the Judiciary Committee

From: Bill Ethier, CAE, Chief Executive Officer

Re: RB 238, AAC a Specialized Docket for Land Use Appeals

**The HBA of Connecticut is a professional trade association with 1,100 member firms** statewide, employing tens of thousands of Connecticut citizens. Our members are residential and commercial builders, land developers, home improvement contractors, trade contractors, suppliers and those businesses and professionals that provide services to our diverse industry. We estimate that our members build 70% to 80% of all new homes and apartments in the state.

**The HBA of Connecticut strongly supports RB 238, with one suggested amendment (below).** Land use appeals to the courts take too long and are too expensive to achieve effective resolutions to land use disputes. Many land use abuses are not challenged by property owners or developers because going to court is just not a viable option. **The current process serves only those who want to deny developments through delay.** Land use appeals are “record” or administrative appeals. All the evidence has already been developed. Except in rare circumstances, the court is limited to the “record” of evidence that was put before the land use commission or agency. Therefore, these administrative appeals should not take as long as they do.

We understand the judicial department, in opposition to a similar bill last year, promised to accomplish the same result administratively. Based on that promise, last year’s bill was not pursued. I do not know the full extent of the judiciary’s changes in this regard and we understand they are opposing this bill again. To the extent the judiciary has not acted on its promise, this bill this year becomes ever more important to adopt. Most judges are generally good in reviewing land use appeals, but **a more defined set of judges with experience in land use matters would create more consistency in outcomes.** Moreover, the process of handling these administrative appeals ranges widely in effectiveness among the various judicial districts. Some are relatively efficient while others are excruciatingly long and difficult. **A consistent policy and set of procedures for processing land use appeals that apply in all judicial districts would go a long way to streamline the appeal process.**

**RB 238 is a good start toward these goals. However, to achieve consistency across all judicial districts, we urge it be amended to add “applicable to all judicial districts” after “procedures” on line 19.**

Thank you for raising this bill and the opportunity to comment on this legislation.